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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
April 24, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Mike Hoffman, County Planner; Elmer Gless, Minto Hofferance, Darrell Miller, Mike Waite, Steve Marks, Garry Pace, Ernie Kenison, Michael Ries, Pete Warren, Keli McQuiston, Tom Harrington, Tim Ravendahl, Ed Regan, Jack Mahon, Ken Bates, Marlos Bates, Kerry White, Jim Brown Earl Williams, Rick Anderson, Marge Duffey, Celia Wolny, Brad Borst, Doug Ablin, Marga Lincoln, Bonnie Ramey

MINUTES

Commissioner Lythgoe moved to approve the minutes of March 6. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to approve the minutes of March 20. Commissioner Notbohm seconded. The motion carried.

REPORTS

HORIZONS

Commissioner Weber reported that he has been attending the leadership training portion of the Horizons program. The meetings are long, but filled with good ideas.

RIGHT-OF-WAY ISSUES

Commissioner Weber reported that he and Commissioner Lythgoe met with a landowner in Gruber Estates to discuss a right-of-way issue. Matt is researching.

FIRE COUNCIL

Commissioner Lythgoe reported that he attended the Fire Council meeting in Elk Park on the 17th. This was probably one of the best fire council meetings that he has been to. Pat McKelvey, the fire warden, made a presentation regarding fire behavior. They have developed a computer module that you can plug different variables into - wind speed, temperature, etc. - and it will tell you what the fire will do. Also, the new GIS/mapping tech gave a power point presentation, where she presented a format developed for the Clancy Volunteer Fire Department, and which she will do for the rest of the fire departments. Commissioner Lythgoe stated that Melissa has made some impressive progress since she started.

MTAG

Commissioner Lythgoe reported that he attended a MTAG meeting on Thursday. It was good hear about the progress they are making and the positive attitude. It is also good to have the group active again. Tim Smith has been asked repeatedly about the impact the mine has on a national and global level. Montana Tunnels produces 1% of the world's zinc demand.

CENTER FOR MENTAL HEALTH

Commissioner Lythgoe reported that he attended the Center for Mental Health governing board meeting in Great Falls the previous day. The meeting was primarily business as usual, and they also hired a new financial manager.

JUVENILE DETENTION

Commissioner Notbohm reported that he attended the Juvenile Detention meeting in Galen on Thursday. He stated that the last couple years they have been over budget, but this year they are at 20% of the budget.

RMDC

Commissioner Notbohm reported that on Thursday afternoon, he attended the RMDC meeting. They have been approached by the Boulder Elementary School about the Headstart program.

CITIZENS FOR BALANCED USE

Commissioner Notbohm reported that he attended a public meeting in Butte the previous night put on by Citizens for Balanced Use. It was a good meeting with approximately 600 in attendance.

JLDC AD HOC COMMITTEE

Commissioner Notbohm stated that the JLDC Ad Hoc committee met the previous day. It was a productive meeting.

CALENDAR REVIEW

- 4/24 LEPC - 6:00
Appreciation dinner - 7:00
- 4/26 Zoning Commission - 4:00
Solid Waste Board - 7:00
- 4/30 Horizons leadership - Whitehall - 5:00

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - AMENDED PLAT LOT 17A-1 WARM SPRINGS RANCH

Mike Hoffman, County Planner, presented his staff report. This is a one-lot split 1 mile east of Clancy, with lots 12.17 and 8.96 acres in size. The Weed Board will be reviewing the weed plan at their May meeting. Mike recommended that preliminary plat approval be granted.

Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - BATES MINOR

Mike presented his staff report, stating that this is a three-lot minor subdivision approximately one mile south of Whitehall, with lots ranging from 1.00 acre to 4.00 acres in size. The developer is requesting a variance for one point of ingress/egress. The developer has opted to pay cash-in-lieu of a water system to the fire department. Mike recommended that preliminary plat approval be granted. Commissioner Weber noted that he has been on the property and spoke to the developer about this project a couple years ago. Commissioner Lythgoe asked about the 40-foot easement for the roads. Mike noted that these will be driveways, rather than roads, and exceed the county standards. Joe Carter has reviewed the plan and has approved it, and the approach permits have been granted by MDT. Commissioner Lythgoe asked if it was in the subdivision regulations that an 18-foot driving surface is required if it is accessing more than two houses. Mike stated that he cannot find this in the subdivision or road regulations.

Commissioner Lythgoe stated that it is his recommendation that they require an 18-foot driving surface, and that the existing road from Highway 55 be widened to 18 feet also. Mike stated that he thinks that the developer plans to do this, but it can be conditioned that way.

Commissioner Lythgoe moved to require that the road from Highway 55 and the roads within the subdivision have a minimum 18-foot driving surface, and that this be included in the preliminary plat approval documents. Commissioner Notbohm seconded. The motion carried, with Commissioner Weber abstaining, as he previously spoke with the developer.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

AWARD METAL MINES GRANTS

Commissioner Weber stated that the recommendations from the metal mines committee were presented at the previous meeting as follows:

Whitehall School Boosters	\$ 9,000
Whitehall Fire Department	\$ 9,000
Saddle Club	\$12,000
Pool Pals	No funding

Commissioner Lythgoe stated that they had significant discussion regarding the applications at the previous meeting. He moved to concur with the metal mines committee recommendations. Commissioner Notbohm stated that he was not at the meeting to hear the discussion. The Saddle Club is clearly economic development, but the other two are a bit of a stretch. He would recommend that the Saddle Club be approved and the others denied. Commissioner Weber

seconded the motion to continue the discussion. He noted that in the past they have approved a "Welcome to Whitehall" sign; the booster sign will be next to the interstate and will have current events posted. This, hopefully, will pull some people in to the community for events. As for the fire department, Whitehall has no hospital and limited emergency services. If they can save a life, that person can continue to be productive and spending money. Commissioner Lythgoe stated that he also had a problem with the jaws of life; it was also brought forth that the availability of this makes the community more attractive to new businesses and families. He also has faith in the committee. Commissioner Notbohm stated that he assumes that there are figures to back up the cost estimates. Commissioner Weber stated that this is all included in the grant applications. The motion carried.

BEAVERHEAD-DEER LODGE PARTNERSHIP UPDATE

Brad Borst, Montana Wilderness Association, presented the Commission with materials and maps. He stated that about a year ago, a historic alliance was formed between timber companies and wilderness groups that is committed to putting logs on trucks to keep the mills running and also to improve fisheries and wildlife habitat. They have been out talking to people to try to find common ground. Since last year, there have been 40 meetings with the public - snowmobilers, horsemen, sportsmen, bikers and ATV clubs - trying to find common ground. This resulted in 30 proposed boundary changes. Some groups have refused to talk to them, but they will continue to try. They have also heard criticism of the resolution, but noted that it is still in draft form. He feels that their recommendations for the Beaverhead-Deer Lodge National Forest in Jefferson County is more than fair and balanced.

Ed Regan stated that he is the senior resource manager for RY Timber, a family-owned company with sawmills in Townsend and Livingston. The goal of the partnership is to end years of gridlock. To sustain the remainder of the mills in Montana, they need a steady supply of logs. The Forest Service owns 69% of all the commercial sized timber in Montana, but allows for less than 20% of what is needed to be harvested. The reason the timber industry is supporting wilderness areas is due to concessions from conservation groups. This agreement could become a national model to deal with gridlock. He would encourage the Commission to support the partnership.

Jack Mahon stated that he is a retired forester, and he has watched this issue boil since the late 60s. He has never been one to compromise, but he has seen the issue fail increasingly to meet the needs of the forest. There has been a lot of scientific information recently from Ecosystem Research Group who did a study of the Beaverhead. It is high time to get together and deal with the forest. Currently, it is burning every year and beetles are killing it.

Darrell Miller, Marks-Miller Post and Pole, stated that he is there to speak on behalf of himself and his partner, who provide livable wage jobs for 35 people and represent a payroll of well over 1.5 million dollars. He is puzzled that they were not asked to participate in the partnership, or asked for their thoughts, or given the courtesy of being told that the partnership group would be approaching our Commission. He is not here to support or oppose the partnership. Darrell had several questions for the partnership:

1. This plan was finalized after the public input period for the BDNF forest plan - what does

this mean with respect to the success of this plan?

2. Is the BDNF supportive of your actions along with other stakeholders such as Montanans for Multiple Use and other counties?
3. Will taking this to congress be viewed as circumventing BDNF?
4. If so, what problems are anticipated as a result?
5. Who or how will the compromises in this plan be guaranteed?

Darrell stated that history has not generated trust in past compromises or in the Forest Service. The Clancy/Unionville project is a perfect example. The compromise took several years to accomplish, but the roads are closed and no timber has been harvested. Because of this, he has no faith in this plan. Any attempt to compromise is an exercise in futility until the rules change. While he agrees that something needs to be done, he is not sure if this is it. The appeals process is flawed.

Kerry White with Citizens for Balanced Use stated that he spoke at the meeting in Butte the previous night. People are upset that they are being left out. His group has not been approached. There are over 40 stakeholders in his organization, and they are the largest conglomerate organization in the state. This plan proposes 16 new wilderness areas, and there is no guarantee that any timber harvest will be done; it is always litigated. He is here seeking a clean and healthful environment. The partnership agreement has twice the wilderness of alternative 5 in the Forest Service's proposal. In 1976, they said that they would never ask for more wilderness. In 1986 when the Beartooth went in, they said that they would never ask for more wilderness. Now, they are back asking for more.

Tim Ravendahl, Montanans for Multiple Use, stated that it took him until a week prior to get a copy of the partnership proposal. There is good information from ERG, which they should have gotten to everyone. Jack DeGolia, Public Information Officer for the Forest Service, has stated that they are treating the proposal as a comment as it was submitted after the comment period. He asked for a copy of the proposal and when it was date-stamped in, and was told that it would be available as part of the EIS. He is concerned that his organization was not approached sooner. They need to make sure that all of the stakeholders are brought to the table. He doesn't want to see the work thrown out the window, but everyone needs to be involved. He would implore the board to adopt a plan to coordinate with everyone.

Doug Ablin stated that he believes that timber needs to be cut, and he doesn't believe that they have to give up land to get the chance to cut it. He is a proponent of flexible boundaries, keeping the same total number of acres. His organization was also not asked to participate.

Rick Anderson stated that he is all for mining, logging, farming and ranching; he has done lots of hiking, horseback riding, camping and ATV riding. At the end of this he sees more closed roads and trails, and gates.

Ed Regan gave a history of how the partnership started. He stated that he has talked to Steve Marks and apologized for their oversight in not contacting them. This happened fast. The Beaverhead-Deer Lodge came out with their forest plan, specifying the harvest of 9 million board-feet per year; the old plan allowed for the harvest of 39 million board-feet per year. They

decided to write their own forest plan, which they submitted and wanted made an alternative. The conservation groups didn't like the forest plan either, and they all decided to work together. They would like to stimulate the Forest Service to do more vegetation management. The plan is still in draft stages. Ed stated that time is running out for the timber industry in Montana. His hope is that everyone can get together on this in the end and get most of what they want.

Commissioner Weber suspended the discussion for a brief time to hear a time-specific item.

JLDC UPDATE

Tom Harrington stated that he was in attendance to give the monthly update.

AYA has recently expanded from a 16-bed facility to a 32-bed facility.

Golden Sunlight has completed the A&E for the industrial park. They are working with Headwaters on phase 2 infrastructure. The mine is in full production, but they still plan to shut down in the third quarter of 2008. They are also doing some remote ore processing.

There are 30 applications for the affordable housing project in Boulder. They are finalizing the land purchase. There is also work in Whitehall on this project.

Commissioner Weber stated that there are two items on the agenda that they will not be dealing with at this meeting, and asked if anyone in attendance was there for these topics. Seeing that none were, he continued with the agenda.

DISCUSS COMMUNITY DECAY - WHITEHALL

Elmer Gless stated he lives next to the place of concern; the owner has such a lack of respect. Twenty-two people signed a petition, which was presented to the County Attorney. He gave the offender the option to put up a fence to shield the mess. He noted that the pictures show that the majority of the fence is on the ground. Mary Smiley has tried to sell her property several times, but people are not interested when they see the mess at the neighbors. At one time, this person had 40 or so dogs, and ran a puppy mill. She also had ducks, geese and 60-70 cats. This is affecting their property values. Elmer stated that Lewis and Clark County has a decay ordinance, and he would like to see something similar here. He noted that before the law was even in place in Lewis and Clark County, it started to make a difference.

Commissioner Weber asked if it was a verified petition, and was told that it was just a letter. He stated that he has thought about this since the last meeting, and asked the planner if this is something that can be dealt with through zoning. Commissioner Lythgoe stated that he didn't feel that zoning would work. The best person to deal with this is Megan, but she is out of town. This is not the only place in the county with this problem. Commissioner Notbohm stated that he feels that this is long overdue, and something needs to be done.

The discussion of the partnership agreement resumed.

Commissioner Weber asked why they left the forest plan process and have gone to congress. Brad Borst stated that one criticism some have come forth with is that they submitted their comment after the forest plan comment period ended. The differing side listened to each other's testimony and thought that they could work together. They came up with a draft, and it did get in after the comment period. He stated that this is not meant to be an end-around the process. Commissioner Lythgoe asked if they went to DC with this. Brad answered that this is true; one member took a draft and presented it to congressional staff and asked for feedback. They feel that Montanans are the best to decide for Montana. The plan has critics, but they are not going to be able to satisfy everyone. He stated that he has a letter from Kerry White declining to meet with them.

Commissioner Weber stated that he has heard that the percentage of people who use the Beaverhead-Deer Lodge forest in a strictly non-motorized manner is 3%. Brad stated that he is not sure where that figure comes from. The wilderness designation fits into multiple use, and the majority of the forest will be open to motorized use. They feel that the Forest Service overlooked some areas that should be wilderness.

Commissioner Weber stated that another criticism is that the proposed wilderness areas are not currently under study, and there is a bunch of land out there that could become roadless/wilderness that is currently under study. Brad stated that the door is wide open for discussion. They recognize that there are some areas out there that people do not want designated wilderness. The hurdle at the moment is getting people to the table for discussion. It would be great if everyone could talk however.

Commissioner Weber stated that the release language seems not to be present; they have discussed timber harvest, but there is no release language to harvest. They might all join hands and cover the spectrum, but someone from the fringe can always throw a monkeywrench into the works. Brad stated that the partnership cannot deal with all that. This is a starting point and meant to build common ground. If "opposing" sides can come together and work together, they feel that the fringe groups won't hold as much sway with judges. They are trying to build a middle ground, get past the gridlock and become a large group.

Commissioner Weber asked, without opening a can of worms and addressing what creates gridlock, is there a way to deal with this so it is not in litigation forever. Brad stated that there are no guarantees. Commissioner Weber asked if language can be added to the draft documents to block litigation in the future. Brad stated that he can't see that happening at this time. Mr. Mahon stated that regarding release language, they can't even get timber sales in multiple-use lands where release language isn't an issue. He doesn't think that release language can be a part of the partnership. The Forest Service has violated the national forest management plan; they aren't going to get the Forest Service to back off without a citizen effort. The Forest Service has restrictions on what they can do and are being manipulated by people due to a law on the books. Timber harvest is the only way to effectively manage the forest.

Commissioner Notbohm stated that the question is the odds on the Forest Service actually honoring anything from our side. This seems like selling our soul to the devil for a one-shot thing. We hold up our end and the Forest Service doesn't have to. This is going to be done by numbers, not by one organization or another. Ed Regan stated that this is why legislation is so important. Commissioner Notbohm stated that he hears about the Forest Service being good partners, but he doesn't see it that way. He personally likes the local staff, but the Forest Service has their own agenda.

Commissioner Lythgoe stated that his question is what is gained or lost by entering into this partnership, if they can't get everyone to the table, if they can't get those that are constantly suing to stop any action in the forest. He understands the concept of 20 versus 5 in court, but if Jefferson County signs on and this doesn't work, have we gained wilderness and lost everything else. Brad stated that if they flip the question - what changes. Mills close, there is a loss of business and there is still litigation. Montanans are tired of the way things are done. He has no answer for or to the militants. Somewhere in the middle is a place where Montanans want to go. He reiterated that the plan is just a draft.

Commissioner Weber stated that one main thing that came out of the meeting with the Beaverhead-Deer Lodge counties is that a partnership is needed. However, it needs to include more, as some were left out. The feeling is that if they say yes to more wilderness, at the end of the day they both loose because a militant fringe group can muck it up. There is a fear that the gridlock will continue. Brad stated that this is a leap of faith; building trust and moving Montana forward. The alternative is one that none of us want. He is fairly new to the process, and it has been a pleasure to meet the timber partners. He doesn't want to see the mills close, and understands the concern of the Butte-Silver Bow Commissioners regarding the ring of dead trees surrounding them.

Commissioner Lythgoe asked if MEIC has been asked to come to the table, as well as similar groups. He watched the legislature this year and watched these groups in action, and they should have been the first to be approached. Brad stated that they have taken a lot of heat from these groups, but will continue to try to get them to come to the table.

Tom Harrington stated that he has been listening to this discussion for some time. He put himself through school with timber harvest. The three mills that he worked with are all closed. He sees dead trees and it is hard to comprehend why they are not being cut. He hears two diverse groups that have come together. If they get everyone involved and let people see that they are working together, the fringe groups will loose credibility. The partnership group needs to toot its own horn; there is more than environmental group support. Everyone he has heard today has had great ideas. They all need to get together and work something out.

Commissioner Lythgoe directed a question to Tim Ravendahl; as Tim knows and respects two members of the partnership group, he asked why he can't come to the table and work with them. Tim stated that this is the best question asked of him for some time. These guys have known him to be one of the first to try to sit down and talk. Montanans for Multiple Use Association is willing to work with the partnership, but they are not willing to have the final document handed

to them and then be asked for their opinion. They need to be asked to the table or know that the table is there. One thing that needs to be brought to the table is coordination. The document is great, but it is missing a very important part of forest planning, which is minerals. He knows that the plan doesn't deal with all resources.

Commissioner Lythgoe then posed some questions to the partnership. He noted that this is a pretty significant organization, and asked how they developed the list of who to talk to. He knows that it must be difficult to be all inclusive, but was this a conscience decision. Brad stated that there was no official ranking of the groups, and noted that they could only do so much in a little amount of time. There was no official process. They found it easier to sit down with a group of snowmobilers, for example, than all-inclusive motorized groups. They realize that there are a lot of groups out there, and human nature is to seek after people who seem open to working with you. There are some groups that appear not to want to make any concessions; but they are still trying to work with them and move forward.

Commissioner Weber stated that he used to work for the lumber industry and also has wilderness characteristics in his heart. The fact that they didn't get to every group, well they just aren't going to. Jefferson County is pursuing the partnership strategy idea, and is currently working with other counties. They need to get as many as possible to the table to build some consensus. The gist is, what can we live with. The timber industry has to share the concern that they won't be able to cut trees. At the same time, he doesn't think that anyone wants to see the Elkhorns look like they did in the late 1800's - denuded. They need some control language that stops the appeal process.

Ed Regan agreed that this is a gamble. They pretty much have two issues, the forest plan and litigation. They are working to amend the statute to stop frivolous lawsuits. They need to keep working on the Equal Access to Justice act. They do think about this all the time. Commissioner Lythgoe stated that this is not something he feels that this group should be working on. Tim Ravendahl stated that he commends them working with the other eight counties; it is important to expand other forested counties that are also dealing with this. They talk about release language, consensus and compromise, but asked what will happen to conservation organizations if there was no need to go out for more land for wilderness. Brad stated that then he could go home.

DISCUSS AND DECIDE ON THE COUNTY'S DESIRE REGARDING WILDERNESS IN THE BEAVERHEAD-DEER LODGE NATIONAL FOREST

Commissioner Weber asked Brad Borst if he is in support of the Electric Peak wilderness in Jefferson County. Brad stated that this is the only area recommended by the Forest Service for wilderness designation in Jefferson County. Also, there are some landscapes in Montana that provide the opportunity to get away from it all and hunt, fish and ride horses. Wilderness designation guarantees that these landscapes remain and assure that future generations will have landscapes for that. He noted that the area will only be closed to motorized travel and represents

just 2.4% of the Forest Service land in Jefferson County. He asked that the Commission give this a chance and give the partnership a chance.

Commissioner Weber stated that roadless areas are the first step to wilderness, and some question if roads are being closed to get to wilderness characteristics. He asked Brad to respond to this. Brad stated that there are some landscapes out there that are roadless that are to be considered. They may be willing to sit down and discuss this. If Jefferson County can't support this very small wilderness, he hopes that they will support the partnership. Commissioner Weber stated that the idea of the partnership is great. Commissioner Notbohm stated that he is not sure which area they are calling Electric Peak. Garry Pace stated that the problem with Electric Peak that needs to be looked at is that it is one of the finest snowmobile areas in the county. They discussed the location of the Electric Peak area. Garry stated that a better option would be multiple use with open and closed periods.

Tim Ravendahl stated that he is not able to go into detail on the roadless area, but noted that there is not one roadless area in Jefferson County that qualifies for wilderness. If an area doesn't qualify for wilderness, it should be multiple use.

They discussed the purpose of this item on the agenda - to discuss where, if any, the Commission feels that they would support wilderness in Jefferson County. Commissioner Notbohm stated that it would be Electric Peak today, the Elkhorns tomorrow. He is not in favor of any wilderness in Jefferson County.

Commissioner Notbohm moved that, at this point in time, until the Forest Service is ready to sit down and discuss our roads, not to support any wilderness in Jefferson County. Commissioner Weber seconded. The motion carried, with Commissioners Weber and Notbohm voting aye and Commissioner Lythgoe voting nay.

CORRESPONDENCE

Commissioner Weber stated that several e-mails were received by the Commission in support of multiple use and no wilderness. Tim Ravendahl stated that there will probably be some duplication in what he presented. Commissioner Lythgoe stated that he is still confused on the agenda item. They still need to consider all of the options on the table. He is not saying that he would vote for or against, but they need to consider. Commissioner Notbohm stated that it is all take from the Forest Service. He can't fault Brad for wanting a place, but they are leaving the land to the young and rich and shutting the rest out. Commissioner Lythgoe stated that he doesn't want to shut the door on discussion.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER